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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No. 80-6576

SPENCER & SPENCER,
An Ariaona Corporation,

Cross-Defendant, Plaintiff, Appellee,

vs.

LYLE H. PRENZLER, AND
JOSEPHINE MARIAN PRENZLER,
husband and wife,

Cross-Complainant, Defendant, Appellant.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Lyle H. Prenzler, hereby motions to proceed in Forma Pauperis and supports said motion under 28 U.S.C. 1915(a,b,c,d,e) by affidavit.

April 21, 1981

LYLE H. PRENZLER

A F F I D A V I T

State California)
) SS.
County of Orange)

I, Lyle H. Prenzler, being duly sworn, depose and say:

I am the appellant in above entitled action and support my application to proceed without being required to prepay costs or fees state;

1. I am a pauper, wholly because of this action herein; and multiply vexatious ancillary actions in which consolidation refused and the necessity of time and attention to defend myself many times for actions regardless of merit, and I habe interpleader rights and right to equable venue and redress.

2. I believe I am entitled to redress and my cause meritorious.

3. The nature of the cause; in brief, is a denial of jurisdiction of an indispensable party; by dismissal while entitled to stay and vacation; notification; hearing and injunctive relief by denial of which judgments of same liabilities tripled; and inequity as to allow judgments herein over 5 years from filing while dismissal to Appellant in ancillary within one month of filing. Further there are errors in parties and causes as to misjoinder and judgments.

April 21, 1981

NOTARY PUBLIC

LYLE H. PRENZLER

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires Oct. 21, 1984

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No. 80-6576

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SPENCER & SPENCER
An Arizona Corporation,

Cross-Defendant, Plaintiff, Appellee,

vs.

LYLE H. PRENZLER AND
JOSEPHINE MARIAN PRENZLER,
Husband and wife,

Cross-Plaintiffs, Defendants, Appellants.

JURISDICTIONAL
STATEMENT
RULESOF SUPREME COURT 15,12

QUESTIONS PRESENTED

1. Was the dismissal of Spencer & Spencer Inc. as a party to the appeal appropriate as he is a party to related appeals and actions in which redress has been prevented by the said dismissal and other ancillary, in which there has been no hearing over 5 years from filing of this action in the Superior Court of Yuma County Arizona; and removed improvidently for lack of diversity of the parties under 28 USC 1332?

2. Was due progess denied to Appellant against Spencer & Spencer by lack of notification of hearings judging in favor of Spencer while Appellant in Saudi Arabia and by resignation of counsel while absent, which could be by conspiracy; and was the dismissal of September 1979 under FRCP Rule 54 inclusive of all parties and all actions including DVR and CVP, and Spencer and Appellant?

3. Was Josephine Prenzler misjoined when the property involved and care bills was on the sole and separate property of Lyle Prenzler separately administered and paid from a separate account; and was the action severed in the marital community sued on when Josephine Prenzler answered interrogatories and produced while Lyle Prenzler failed to due to above Arabia residence; and was the subsequent censure by judgment of Lyle Prenzler for failure to produce and answer interrogatories including Josephine Prenzler in error as was the later dismissal of Josephine Prenzler?

4. Was the ~~case~~ bill on which this appeal and ancillary in Case No 74-307 PHX and related actions on which consolidation and intepleader rights refused a denial of equal protection and rights under US Constitution; and did the care bill upon which a written agreement to limit spending on care bills by Spencer was over spent to include the time when said ranches were sold because of said onerous care bills; which are cogent to this appeal; as they involve not separate entities byt the same entity of Spencer who controlled and used these corporations of DVR and CVP to aid in selling and forcing sale or buying of ranches in Yuma Arizona; by manipulations central to the issue here; which included misrepresentations of crop size; increasing care costs and return on product among others in this conspiracy with others named in ancillary actions and by these acts costs for citrus products and other used in interstate trade have increased; and Appellant discriminated as non resident of Arizona in goods and services?

LIST OF ALL PARTIES

Herein are Lyle Prenzler and Josephine Prenzler; whose relationship has been ignored by the Court in the Order of March 9, 1981 appealed; as a marital community and improperly named as above said in joinder to the discomfiture of and distress of Josephine Prenzler. Spencer & Spencer, an Arizona Corporation, is controlled by Clarence Spencer; as a care of citrus organization employed by Prenzlers; as are related interlocking corporations of DVR and CVP who are incorporated and operate in Arizona, California and Mexico; and presently bankrupt from the extravagance of Spencer and related climatic scourges. Ancillary and related pending actions involve misrepresentations by a broker of real estate who misrepresented rootstock, crop sizes, care costs upon the estimate of C Spencer acting in aid and abetting; also in sale to and from Prenzler in 1970 and 1973; all these acts being done in California where Spencer and broker among others including attorneys sought doing business by coming to and trasacting such business in CAliornia and interstate mails used in the defrauding and misrepresentations; including the violations of Exchange Laws. Also involved are parties who evaluated ranches for buyer from Appellant and various other paties in Arizona and Pennsylvania and California

JURISDICTION

This appeal is filed and these proceedings are instituted under 28 USC 1402(a)(1); 18 USC 1252; 28 USC 2101(c); 50 USC 910-590; 15 USC 1-15; 77;78; 18 USC 241,242; 42 USC 1983,1985,1986; 28 USC 1343; 28 USC 1335,1397,2361.

The cases believed to sustain the jurisdiction are:

1. US v Ce tain parcels Land 1941 40 F.Supp. 436;
2. Grubb v. General Electric Credit 92 S.Ct. 1344;
3. Western Union v Comm. Pennsy vania (1961) 368 U.S. 71;
4. Ilanson v. Denekla (1958) 357 U.S. 235;
5. Lesnik v Public Indus.Corp CCA2d 1944 144 F2d 968;

INVOLVED CONSTITUTIONAL PROVISIONS

FIFTH AMENDMENT

Not be deprived of life liberty or property without due process of law.

Nor shall any person be subject for same offense to be twice put in jeopardy of life or limb.

FIRST AMENDMENT

Congress shall make no law abridging freedom of speech or the right to petition the government for redress of grievances.

ARTICLE 4 Section 1

Full faith and credit shall be given in each state to public acts, records and judicial proceedings of every other state.

STATEMENT OF THE CASE

Within this and related actions involving the same or common questions of law or fact pending before the court; the same liabilities on which judgments have been tripled including this action for care costs by Spencer & Spencer and related companies which were for costs beyond the time ranches were owned by Appellant by written contract of Spencer; and no question of law or fact can be resolved unless all parties indispensable are within the personal jurisdiction of the Courts or else should be dismissed in tote. By this denial of joinder, misjoinder, denial of consolidation; failure to obtain personal and subject matter jurisdiction of all parties; by dismissals and transfer to a foreign state of ancillary actions in which some suits have been brought in California; the injustice and denial of due process is compounded against the

Appellant including the present dismissal of Spencer appealed; which is basically a decision against Appellant and therefore appealable. Further related actions have found dismissal with prejudice for failure to prosecute in less than one month while allowing the present actions to be no prosecuted in Arizona for over 5 years and contrary to California CodCivProc 583 and which is used in the argument against Appellant in the pending herein appeal for his failure to prosecute the DVR and DCP Corps. for breach of fiduciary relationship; while Spencer is party to all these corperations and to the real estate transactions in related pending actions. Appellant denies all liability for any of the actions and believes he is entitled to interpleader rights in California for multiple actions; vexatious, brought without regard to merit which he has been forced to defend and the within; all with the intent to harm him and have so injured him and his ability to defend and partially thereby injured so that Appellant is presently disabled and so declared under the Soldiers and Sailors Civil Defnese Act and Defense Base Act, his family destroyed by emotional trauma to his wife and his ability to practice curtailed; and injunctive rights apperbaining. Removal to federal court by conspiracy to defeat Appellant in foreign state wrong as there is no diversity of said Corperations. Josephine Prenzler's misjoinder, judgment subsequently on base of misjoinder; and sanctions of judgment against Appellant noted above question 3. Written contract for care avoided by denial of hearing and judgment on procedural rather than substantive issue as to defeat and add to the multiple judgments on same liabilities and denial of due process thereby.

STATEMENT OF REASONS QUESTIONS ARE SUBSTANTIAL

The rights of appellant have been violated by the federal courts, officers of the courts, state courts, and by the United States acting in concert with and denying assitance in this interpleader action, where appellant entitled to rights under 50 USC 510-590 as disabled to vaction judgment. The actions herein and related in all the courts involve indispensable parties in whose absence the court lacks and loses jurisdiction; and Spencer

is indispensable pursuant to FRCP 4 & 12. Appellant is rightly stakeholder and entitled to injunctive relief while advrse parties determine the liabilities amongst themselves. Therehas been deliberate bringing of some actions in state courts and some in federa courts under 28 USC 1359 to defeat restrictions as to chose in action; and defrauding in and by interstate mails et al.; and the aid of expertise of United States needed has been sought and refused as has consolidation. Acts herein are repeatedly done against appellant, the acts alleged will impair the rights of Appellant litigant to prevent prejudice to his civil rights or of those similarly situated. For all these reasons this case should be reviewed on the merits; dismissal of Spencer denied and consolidation of all actions and vacation of all prior decisions made without proper subject matter and persona jurisdiction.

April 21, 1981

LYLE H. PRENZLER PRO SE
715 E Chapman Ave
Orange CA 92666
714 639 1701

VERIFICATION

I declare under penalty of perjury that I am the Appellant, and I believe that hereinabove to be truthful, to my knowlege, information, belief or contention.

April 21, 1981

LYLE H. PRENZLER

LYLE H. PRENZLER
715 East Chapman Avenue
Orange, CA 92666
714 639 1701

80-6576

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MAR 24 1981

FILED MAR 24 1981
DOCKETED
DATE INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SPENCER & SPENCER INC.
an Arizona Corporation,

Plaintiff,
Appellee,

vs.

LYLE H. PRENZLER,

Defendant/Appellant,

vs.

DESERT VALENCIA RANCH CORP.

Counter-Defendants/Appellees.

NO. 80-5227

D.C. #CV 74-307 VAC
ARIZONA (PHOENIX)

NOTICE OF APPEALS

Lyle H. Prenzler, appeals the Order of March 9, 1981 in the above Cause to the United States Supreme Court; and in support of denial of redress, failure to maintain action against indispensable parties, non-joinder, misjoinder, denial of civil rights and interpleader.

Dated: March 19, 1981

LYLE H. PRENZLER IN PRO SE

COPIES MAILED TO LEWIS & ROCA 100 West Washington St.
Phoenix Arizona

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 9 1981

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

SPENCER & SPENCER, INC., an Arizona corporation,

Plaintiff,

vs.

LYLE H. PRENZLER,

Defendant/Appellant,

vs.

DESERT VALENCIA RANCH CORPORATION (DVR Corporation), et al.,

Counter-Defendants/Appellees.

No. 80-5227

D.C.#CV74-307 VAC
ARIZONA (PHOENIX)

ORDER

Before: WALLACE and FLETCHER, Circuit Judges

Upon due consideration, the court enters the following order:

(a) plaintiff Spencer & Spencer, Inc., is not a party to this appeal and is hereby dismissed as an appellee;

(b) appellee DVR Corporation may designate the reporter's transcript of the February 28, 1980 district court hearing as part of the record on appeal; and

(c) appellees' brief in this matter shall be due within sixty (60) days of the date of entry of this order.

Mo Cal 2/23/81

LYLE H. PRENZLER,
715 E Chapman Ave
Orange CA 92666
714 639 1701

UNITED STATES COURT OF APPEALS
NINTH CIRCUIT

SPENCER & SPENCER,
Appellees,
vs.
LYLE H. PRENZLER,
Appellant,

CASE NO. 80-5227
Please note Entry Default on
Appeal, Motion to

This above numbered appeal was mailed on April 4, 1980; and Appellees are in default. Request to enter default is requested. for failure to timely file Appellee's Brief.

December 22 1989

LYLE H. PRENZLE PROSE

NOTICE OF MAILING

Copies mailed of Motion to enter default of appellees mailed to Norling Rolle Oeser Williams 2701 E Camelbac Phoenix 85016; Lewis & Roca 100 W Washington, Phoenix, Ariz 85003 today.

Dated: December 23, 1980

LYLE H. PRENZLER, PRO SE

FILED

APR 6 1979

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
BY ..... DEPUTY CLERK

J.D.

(28)

WHEN RECORDED RETURN TO:
NORLING, ROLLE, OESER & WILLIAMS
SUITE 100, THE QUADRANGLE
2701 EAST CAMELBACK ROAD
PHOENIX, ARIZONA 85016

(John T. Gilbert)

Attorneys for Plaintiff

LODGED
MAR 8 1979
OFFICE OF THE CLERK
U. S. DISTRICT COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

SPENCER & SPENCER, INC., an Arizona corporation, Plaintiff,	)	NO. CIV-74-307-PHX-WEC
vs.	)	JUDGMENT
LYLE PRENZLER and JOSEPHINE PRENZLER, husband and wife, Defendants.	)	

This matter having come on regularly to be heard on Plaintiff's Motion for Order Compelling Discovery, Defendants Prenzler having failed to timely respond to the Amended Request for Production of Documents and Plaintiff's Second Set of Interrogatories and Requests for Admissions to Defendants, and having failed to respond to Plaintiff's Motion for Order Compelling Discovery, the Court having considered the Memorandum of Points and Authorities filed in connection herewith and the argument of counsel, the Court being fully advised in the premises, and good cause appearing;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Spencer & Spencer, Inc. have and recover Judgment on its Complaint against Defendants Lyle Prenzler and Josephine Prenzler, husband and wife, and each of them, in the sum of Thirteen Thousand Three Hundred Ninety-Five Dollars and Forty Cents ($13,395.40), together with interest thereon at the rate

CERTIFIED COPY
Certified this ____ day of _____ 19__
R. J. Burlingame, Clerk
By _____ Deputy Clerk

Exhibit "A"